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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 14 2000

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

14 UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF WASHINGTON

20 MICHAEL P. CAMPION on behalf of himself
22 and all others similarly situated,

24 Plaintiff,

26 vs.

28 CREDIT BUREAU SERVICES, INC. (a
Washington Corporation), DARLENE M.
30 BRIGHT and JOHN DOE BRIGHT (Wife and
Husband), THOMAS J. MILLER and JANE
32 DOE MILLER (Husband and Wife), and
34 NICHOLAS M. WARRICK and JANE DOE
WARRICK (Husband and Wife),

36 Defendants.

NO. CS-99-0199-EFS

PLAINTIFF'S FIRST
AMENDMENT TO THE
COMPLAINT ADDING A CAUSE
OF ACTION UNDER
42 USC §1983

40 The plaintiff amends the complaint as follows by modifying sections XI, XII,
42 and XIII of the original complaint as follows:
44
46
48

PLAINTIFF'S FIRST AMENDMENT TO
THE COMPLAINT - 1

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XI. VIOLATION OF 42 USC §1983

11.1 Defendants operated under color of state law and seized personal property of the plaintiffs and all class members without due process of law in violation of their civil rights as guaranteed by the Constitution of the United States of America.

11.2 Defendants, acting under color of state law, engaged in conduct which was the proximate cause of the denial of Plaintiff's rights to procedural due process.

11.3 Defendants acted jointly with State of Washington Superior and District Court Clerks, deputy clerks, and Judges to secure the Plaintiff's private property. The garnishment procedure followed by the defendants with the cooperation of certain District and Superior Courts of the State of Washington deprived plaintiffs of property without due process of law in violation of the Constitution.

11.4 The conduct of defendants is fairly attributable to the state since Defendants' conduct was based upon the State of Washington garnishment laws, state of Washington court rules, certain local rules of certain judicial districts or

2 counties; the defendants acted together with the state of Washington Superior
4 and District Court Judges and received significant aid from the State of
6 Washington Superior and District Court Judges, Clerks, and Deputy Clerks.
8

10 11.5 Defendants were permitted to add attorney fees and costs and interest to the
12 principal balance of judgment without any lawful authority to do so.
14

16 11.6 Defendants were permitted to obtain garnishment judgments without notice
18 nor an opportunity to be heard prior to entry of a garnishment judgment
20 depriving plaintiff of property with no opportunity for a post-deprivation
22 notice nor opportunity to be heard.
24

26 11.7 The post judgment garnishment procedure followed by defendants allowed
28 defendants to add attorney fees and costs and interest in excess of any amount
30 allowed by law, allowing attorney fees and costs in excess of the dollar
32 amount withheld by the garnishment in violation of law. The amount of
34 attorney fees and costs allowed in a garnishment may not exceed the amount
36 withheld by garnishment.
38
40

42 11.8 The post judgment garnishment procedure followed by defendants allowed
44 defendants to obtain a garnishment judgment after an ex parte hearing.
46

48 11.9 The post judgment garnishment procedure followed by the defendants

2 allowed defendants to add attorney fees and costs for unsuccessful
4 garnishments without legal authority to do so and without notice nor
6 opportunity to be heard by the Plaintiffs.
8

10 11.10 The defendants with state court involvement seized plaintiff's wages and
12 personal property. The defendants are "state actors" for purposes of 42 USC
14 § 1983.
16

18 11.11 The defendants' conduct is fairly attributable to state courts. Certain state
20 courts in conjunction with the defendant debt collectors developed a course of
22 conduct to allow the collection of monies held by writ of garnishment without
24 first obtaining a garnishment judgment in violation of due process of law.
26

28 11.12 The defendants while acting under color of statute, ordinance, regulation,
30 custom or usage of the state, deprived the plaintiffs of their property without
32 due process of law in violation of the 14th Amendment to the Constitution of
34 the United States of America.
36

38 11.13 The defendants' actions were intentional and frequent.
40

42 11.14 The defendants' actions injured the plaintiffs and all members of the class.
44

46 11.15 The defendants' actions were the direct cause of the plaintiff's injuries. As a
48 result of the defendants' unlawful practices, plaintiff lost the use, possession

2 and enjoyment of her wages, as did all other class members.

4 11.16 The issue of whether the defendants operated under color of state law in

6 depriving the plaintiffs of their personal property without due process of law
8 is common to the class.
10

12 11.17 The class period for violations of 42 USC 1983 is the three-year period prior
14 to the date of the filing of this complaint.
16

18 **XII. DEMAND**

20 WHEREFORE, plaintiffs pray as spelled out in the original complaint and for the
22 following:
24


- 26 1. Damages for violations of 42 USC §1983.
28 2. Punitive damages.
30 3. Attorney fees and costs pursuant to 42 USC §1988.
32

34 **XIII. DEMAND FOR JURY**

36 Plaintiff demands trial by jury.
38

40 Dated: 4-14-2000

42 By:

44 
46 Timothy W. Durkop 22985
48 Associate Attorney for the Plaintiffs